

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN E. FORTNEY,

ORDER

Plaintiff,

09-cv-527-vis

v.

WILLIAM POLLARD, MICHAEL BAENEN
and CAPT. SCHULTZ,

Defendants.

This is a civil case in which plaintiff alleges that defendants violated his due process rights. Plaintiff seeks to voluntarily dismiss defendants William Pollard and Michael Baenen from this case. Dkt. #27. Under Fed. R. Civ. P. 41(2), upon the plaintiff's request, the court can dismiss a claim against a defendant "on terms that the court considers proper." I will grant plaintiff's motion and dismiss the claims against defendants Pollard and Baenen without prejudice. Defendants filed their answer on November 17, 2009 and plaintiff filed his motion for voluntary dismissal on November 18, 2009, before defendants had to engage in any discovery or briefing.

ORDER

IT IS ORDERED that

1. Plaintiff Steven Fortney's motion to voluntarily dismiss defendants William Pollard and Michael Baenen, dkt. #27, is GRANTED. Defendants William Pollard and Michael Baenen are DISMISSED from this case, without prejudice.

Entered this 3rd day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge